

EXHIBIT A

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Counsel for Defendant Ashiegbu

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. CR 07-0654 CRB
Plaintiff,) DECLARATION OF LINDA
v.) ASHIEGBU
LINDA ASHIEGBU and EMMANUEL)
ANYANWU,)
Defendants.)

I, Linda Ashiegbu, declare the following to be true under penalty of perjury:

Counsel Phil Vaughns

1. Before June 6, 2007, my husband Andrew Ashiegbu and I had retained Phil Vaughns, Esq., as our attorney;
2. Mr. Vaughns had appeared in court for me and my family before June 6, 2007;

The Arrest

3. On June 6, 2007 at roughly 9:07 a.m., I was lying in bed in my bedroom on the second floor of my home. I was speaking to my friend, "Ada," on the phone;
4. Attached and incorporated into my declaration is Attachment 1, phone records from

1 my cell phone. My incoming 9:07 a.m. call with Ada, line (925) 487-1551, is shown
2 on Attachment 1;

- 3 5. I was wearing a very transparent nightgown without any underwear or bra;
- 4 6. Attached and incorporated into my declaration is Attachment 2. This Attachment
5 consists of various photographs. Figure (a) shows the transparent nightgown I was
6 wearing on the morning of June 6, 2007;
- 7 7. Soon after 9:07 a.m., ICE agents banged on the front door of my house;
- 8 8. I was confused, and thought that my young children had accidentally called 9-1-1;
- 9 9. I next heard a male ICE agent yell and order me out of my bedroom;
- 10 10. I came out of my bedroom and stood on the balcony at the top of the staircase of
11 my home. I was ordered by a male ICE agent to put up my hands and to slowly
12 come down the stairs. This male ICE agent was downstairs, pointing a gun at me
13 as he yelled this order;
- 14 11. Attached and incorporated into my declaration is Attachment 2. This Attachment
15 consists of photographs of my home. Figure (b) on Attachment 2 shows the view
16 of my bedroom door and the second-floor balcony from below. I was standing on
17 this balcony when I was first ordered downstairs;
- 18 12. When I was ordered downstairs, I replied, "I am naked! Can I please put on some
19 pants?";
- 20 13. The male ICE agent with the gun responded, "No!" He ordered me to come
21 downstairs with my hands up;
- 22 14. I was very ashamed and humiliated to be effectively naked in front of the strangers
23 in my home, which included male ICE agents;
- 24 15. After I put my hands up, a male ICE agent came upstairs with his gun pointing at
25 me. He handcuffed me behind my back. I was still wearing a transparent nightie. I
26 was not allowed to put on clothing for almost three hours, until after I was
27 interrogated by ICE Special Agent Leslie Brown;
- 28 16. Figure (c) on Attachment 2, a small red space in a hallway with tiled floors, shows
where I was standing when I was handcuffed;

1 17. The male ICE agent who handcuffed me did not read *Miranda* warnings to me, did
2 not show me written *Miranda* warnings, and did not orally repeat any of those
3 warnings to me;

4 18. The male ICE agent interrogated me as I stood there, handcuffed behind my back.
5 He asked me the following, and I responded to his interrogation:

6 a. What is your name?
7 b. What is your immigration status?
8 c. Who else is in the house?
9 d. Where is "Emmanuel?"

10 19. The male ICE agent who handcuffed me took me downstairs to our living room,
11 where I saw my husband Andrew Ashiegbu sitting on a couch with his hands
12 handcuffed behind his back. I was ordered to sit next to him;

13 20. Figure (d) on Attachment B shows a white living room with a couch and several
14 chairs. This is the couch on which my husband and I were ordered to sit;

15 21. My two youngest children were home with us on the morning of June 6. At that
16 time, they were five and one years old. When they saw my husband and me in
17 handcuffs, and the armed strangers in the house, they started to cry and would not
18 stop;

19 **Request to Speak to Counsel**

20 22. After I was brought downstairs and told to sit next to my husband, I asked the ICE
21 Agents to be allowed to call my attorney, Mr. Phil Vaughns;

22 23. Although I spoke directly to them and they heard my request, the ICE Agents
23 ignored my direct requests to be permitted to contact my counsel;

24 24. I was handcuffed behind my back and did not have a phone. I had no way of
25 calling my attorney without being permitted to do so by the agents;

26 25. The ICE agents did not permit me to call my attorney despite my requests;

27 26. During the hours while the agent searched my home between 9:07 a.m. and 11:37
28 a.m., I again asked, "Don't I have the right to call my attorney?"

27. A male ICE agent looked at Agent Leslie Brown with an inquisitive and concerned

1 expression in response to my repeated request to speak to counsel;

2 28. Agent Brown laughed in a mocking and dismissive way in response to my request

3 to speak to counsel, and did not let me call Mr. Vaughns;

4 **Request for An Explanation**

5 29. As of roughly 10:00 a.m., the agents had not told us why they were in our house,

6 why they were searching it, and had not given us a copy of the search warrant. I

7 was effectively nude in front of strangers (including several men), my husband and

8 I were handcuffed behind our backs, my two young children were screaming and

9 crying and could not be consoled, and ICE agents were searching my home. I was

10 not being permitted to speak to my attorney. I asked the agents why they were

11 searching my house;

12 30. The agents did not respond to my question or explain why we were being

13 investigated and why my house was being searched;

14 31. At 11:37 a.m., ICE Agent Leslie Brown ordered me to call my sister, Doris, and

15 brother, Emmanuel (both of whom are defendants in the federal criminal cases

16 before this Court). Agent Brown ordered me to tell my siblings to come to my

17 house;

18 32. In response to this order, I called my sister Doris;

19 33. Attachment 1, my cell phone bill, reflects a call to my sister Doris at 11:37 a.m., to

20 number (510) 861-7009. Doris did not answer, and the bill reflects only one minute

21 on that call;

22 **Interrogation by ICE Special Agent Leslie Brown**

23 34. Between 11:37 and noon, ICE Special Agent Leslie Brown took me to the

24 breakfast table in my kitchen. My youngest child came with me, but no other adult

25 came with us to the table;

26 35. Figure (e) on Attachment 2 shows this small round table in a corner of our kitchen;

27 36. Agent Brown brought with her a large binder full of papers that she put on my

28 breakfast table;

37. Agent Brown began to ask me questions about the case. She began by asking,

1 "Who is Emmanuel Anyanwu?" She continued to ask me a number of questions
2 about my family's immigration matters generally, and immigration paperwork;
3 38. I was in handcuffs at the table when she began asking me these questions;
4 39. Agent Brown did not tell me that I had the right to remain silent before the
5 interrogation. She did not permit me to speak to my attorney, as I had repeatedly
6 requested, before the interrogation. She did not advise me that anything I told her
7 could be used against me in a later proceeding, before the interrogation;
8 40. In the middle of the interrogation, Agent Brown threatened me and told me that if I
9 lied to her she would take me away from my children and put me in jail;
10 41. At the end of the interrogation, Agent Brown pressed me regarding the
11 immigration status of my sister, Doris;
12 42. I asked, "Don't I have the right to remain silent?"
13 43. Agent Brown responded, "Yes, you do, because anything you say can be used
14 against you in a court of law,"
15 44. Agent Brown did not read or advise me of any other *Miranda* rights. She did not
16 advise me of this sole *Miranda* right until after the interrogation was complete;
17 45. Agent Brown did not let me call my lawyer until after the interrogation;
18 46. At roughly noon, I again asked to speak to my lawyer. Agent Brown finally
19 reluctantly allowed me to call Mr. Vaughns;

20 **Disclosure of Search Warrant Three Hours After Search Began**

21 47. Just before the agents left, a little after noon, the agents gave my husband, Andrew,
22 a copy of the search warrant and a list of the items seized;
23 48. This was the first time that Andrew and I had seen the search warrant, at the end of
24 the roughly three-hour search.

25 5/14/08
26 DATED

27 
28 LINDA ASHIEGBU

Wireless Line Summary For:		510-331-0872		
User Name: LINDA ASHIEGBU		Period	Prorated Charge	Monthly Charge
Monthly Service Charges		Period	Prorated Charge	Total Charge
Rate Plan				
FT9NATP4000RUMMUNW		07/01-07/31		190.00 190.00
Includes:				
4000 ANYTIME MINUTES				
ANYTIME ROLLOVER MINS				
CALLER ID LINE BLOCK				
Call Forwarding				
Call Hold				
Call Waiting				
Caller ID				
Detailed Billing				
FAMILY TALK ADDTL				
NATION GAIT/GSM				
NO ANSWER CALL FORWARD				
THREE-WAY CALLING				
UNL Nght & Wknd Min				
UNLTD EXP M2M MINS				

Call Detail		510-331-0872										
User Name: LINDA ASHIEGBU												
Rate Code: ESM1=Unlimited Expd M2M, RM40=Rollover FM 4000, UNW9=Unlimited N&W												
Rate Period (PD): DT=Daytime, NW=Wknd Min												
Feature: M2MC=EXPANDED M2M, CW=Call Waiting, VM=VOICE MAIL												
Item	Day	Date	Time	Number Called	Call To	Min	Rate Code	Rate Pd	Feature	Airtime Charge	LD/DA	Total Charge

194	WED	06/06/2007	8:56AM	510-331-0872	VMAIL CL	2	RM40	DT	VM	0.00	0.00	0.00
195	WED	06/06/2007	8:56AM	510-755-9085	HAYWARD CA	1	RM40	DT		0.00	0.00	0.00
196	WED	06/06/2007	8:57AM	510-755-9085	HAYWARD CA	1	RM40	DT		0.00	0.00	0.00
197	WED	06/06/2007	9:00AM	510-331-0872	VMAIL CL	2	RM40	DT	VM	0.00	0.00	0.00
198	WED	06/06/2007	9:07AM	925-487-1551	INCOMING CL	6	ESM1	DT	M2MC	0.00	0.00	0.00
199	WED	06/06/2007	11:37AM	510-861-7009	HAYWARD CA	1	RM40	DT		0.00	0.00	0.00
200	WED	06/06/2007	12:00PM	510-776-2392	RICHMOND CA	1	RM40	DT		0.00	0.00	0.00
201	WED	06/06/2007	12:01PM	510-583-9622	HAYWARD CA	1	RM40	DT		0.00	0.00	0.00
202	WED	06/06/2007	12:02PM	510-583-9622	HAYWARD CA	2	RM40	DT		0.00	0.00	0.00
203	WED	06/06/2007	12:04PM	510-583-9622	HAYWARD CA	1	RM40	DT		0.00	0.00	0.00
204	WED	06/06/2007	12:07PM	510-772-7767	OKLD MN-P CA	1	RM40	DT		0.00	0.00	0.00
205	WED	06/06/2007	12:26PM	408-561-6079	INCOMING CL	3	RM40	DT		0.00	0.00	0.00
206	WED	06/06/2007	12:30PM	510-258-2179	HAYWARD CA	1	ESM1	DT	M2MC	0.00	0.00	0.00
207	WED	06/06/2007	12:33PM	510-258-2179	HAYWARD CA	7	ESM1	DT	M2MC	0.00	0.00	0.00
208	WED	06/06/2007	12:46PM	510-258-2179	HAYWARD CA	4	ESM1	DT	M2MC	0.00	0.00	0.00
209	WED	06/06/2007	1:27PM	925-487-9311	DUBLINSNR CA	1	ESM1	DT	M2MC	0.00	0.00	0.00
210	WED	06/06/2007	1:28PM	510-755-9085	HAYWARD CA	14	RM40	DT		0.00	0.00	0.00
211	WED	06/06/2007	1:38PM	510-861-7009	CALL WAIT	14	RM40	DT	CW	0.00	0.00	0.00
212	WED	06/06/2007	1:56PM	510-776-2392	RICHMOND CA	35	RM40	DT		0.00	0.00	0.00
213	WED	06/06/2007	2:00PM	408-836-4041	CALL WAIT	1	RM40	DT	CW	0.00	0.00	0.00
214	WED	06/06/2007	2:33PM	925-487-1551	INCOMING CL	12	ESM1	DT	M2MC	0.00	0.00	0.00

Decl. L. Ashiegbu, Attachment 1



Figure (a)



Figure (b)



Figure (c)



Figure (d)



Figure (e)

Decl. L. Ashiegbu, Attachment 2